

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	23cv6985 (DLC)
JOHN DOE, a <i>fictitious name</i> ,	:	
	:	<u>ORDER</u>
Plaintiff,	:	
-v-	:	
	:	
FIRST UNUM LIFE INSURANCE COMPANY,	:	
	:	
Defendant.	:	
	:	
-----	X	

DENISE COTE, District Judge:

In an Order of August 8, 2023, the Honorable Lewis J. Liman granted the plaintiff's request to proceed in this case under the pseudonym "John Doe". The Second Circuit Court of Appeals has set forth a balancing test under which courts should weigh "the plaintiff's interest in anonymity against both the public interest in disclosure and any prejudice to the defendant."

United States v. Pilcher, 950 F.3d 39, 42 (2d Cir. 2020)

(citation omitted). This test includes the following factors:

(1) whether the litigation involves matters that are highly sensitive and of a personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the party seeking to proceed anonymously or even more critically, to innocent non-parties; (3) whether identification presents other harms and the likely severity of those harms, including whether the injury litigated against would be incurred as a result of the disclosure of the plaintiff's identity; (4) whether the plaintiff is particularly vulnerable to the possible harms of disclosure particularly in light of his age; (5) whether the suit is challenging the actions of the government or that of private parties; (6) whether the defendant is prejudiced by allowing the plaintiff to press his claims anonymously, whether the nature of the prejudice (if any) differs at any

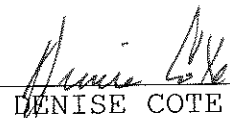
particular stage of the litigation, and whether any prejudice can be mitigated by the district court; (7) whether the plaintiff's identity has thus far been kept confidential; (8) whether the public's interest in the litigation is furthered by requiring the plaintiff to disclose his identity; (9) whether, because of the purely legal nature of the issues presented or otherwise, there is an atypically weak public interest in knowing the litigants' identities; and (10) whether there are any alternative mechanisms for protecting the confidentiality of the plaintiff.

Id. (citing Sealed Plaintiff v. Sealed Defendant, 537 F.3d 185, 189-90 (2d Cir. 2008)).

It is hereby

ORDERED that the parties shall be prepared to address at the initial pretrial conference on April 24, 2024, whether the plaintiff should be permitted to proceed anonymously.

Dated: New York, New York  
April 18, 2024

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge